IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13463 of 2005

Between:

M/s.G.Venkat Reddy & Co., rep., by its Managing Partner Gudigandi Venkat Reddy, s/o G.Srirami Reddy,
r/o Srinagar Colony, Hyderabad

..... PETITIONER

AND

1 The Superintending Engineer, Irrigation Circle, Kurnool, Kurnool District.
2 The Executive Engineer, TBP Division, Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in seeking to apply the Seigniorage charges in accordance with G.O.Ms.No.217, dated 29-09-2004 and inrespective of the work entrusted to the petitioner called shift for Gangavaram Major Distributory from KM 8.500 to KM 16.690 and its minors in Kurnool District, an agreement was also entered into with petitioner by the 1st respondent for the execution and completion of the above work vide agreement No.SE/IC/KNL/4/2003-04, DT.13-06-2003 as arbitrary, illegal, and violative of Article 14 and 21 of Constitution of India and consequently direct the respondents to recover the Seigniorage charges in accordance with the charges mentioned in the agreement or in the alternative to charge the enhanced rates to the value of the estimate and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.H.SATISH KUMAR

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

ORAL ORDER:

The relief sought for in this writ petition is for a direction to the respondents not to collect enhanced seigniorage charges from the bills of the petitioner in accordance with G.O.Ms.No.217 dated 29-9-2004 and consequently direct the respondents to recover the seigniorage charges in accordance with the charges mentioned in the agreement entered into between them.

It is agreed by Sri Ch.Satish Kumar, learned Counsel for the petitioner and the learned G.P. for Irrigation & Command Area Development that the subject matter of this writ petition is covered by a judgment of this Court in W.P.No.23852 of 2005 and batch dated 23-6-2005 wherein this Court, referring to Clause 26.16 of the covenant/clause in the contract, held that the said clause refers to revised rates of seigniorage fee as per the provisions of the Act duly amending schedule I to the A.P. Minor Minerals Concession Rules and that the action of the respondent, in seeking to recover enhanced seigniorage fee with effect from 1-10-2004, did not suffer from any error or illegality. It was further observed that the Government was entitled to recover the enhanced seigniorage fee only with effect from 1-10-2004 that too on the minerals extracted by the contractors after 1.10.2004.

This writ petition is also dismissed in terms of the judgment in W.P.No.23852 of 2005 and batch dated 23-6-2005. No costs.

12-7-2005

asp

To:

1 The Superintending Engineer, Irrigation Circle, Kurnool, Kurnool District.

2 The Executive Engineer, TBP Division, Adoni, Kurnool District.

3. Two CCs to the G.P. for Irrigation & Command Area Development, High Court Buildings, Hyderabad (OUT)

4. Two C.D. copies